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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the estate of Bernard L. Madoff*

In re:  
BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

SIPA LIQUIDATION

No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. No. 09-1182 (SMB)

**NOTICE OF APPEARANCE AND REQUEST  
FOR SERVICE OF NOTICES AND PLEADINGS**

**PLEASE TAKE NOTICE** that Brian W. Song of BakerHostetler LLP hereby appears in this matter as counsel for the plaintiff, Irving H. Picard, trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff in accordance with

Bankruptcy Rule 9010, and requests that copies of all pleadings and other papers, including all notices, motions, applications, objections, responses, lists, schedules, statements and all other matters arising in this adversary proceeding be served upon her at the address set forth below:

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**PLEASE TAKE FURTHER NOTICE** that the foregoing request includes the notices and papers referred to in the Bankruptcy Rules and also includes, without limitation, any notices of any orders, pleadings, motions, applications, complaints, demands, hearings, requests, or petitions, answering or reply papers, memoranda and briefs in support of any of the foregoing and any other documents brought before this Court with respect to these proceedings, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, personal delivery, telephone, email or otherwise, or made with regard to the referenced cases or proceedings therein.

**PLEASE TAKE FURTHER NOTICE** that neither this Notice of Appearance nor any later appearance, pleading, claim or suit shall be deemed to waive or construed to waive: (1) the rights to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case, or (2) any other rights, claims, actions, setoffs, or recoupments to which the above-named plaintiff is or may be entitled, in law or in equity, all of which rights, claims, actions, setoffs or recoupments are expressly reserved.

Dated: New York, NY  
September 3, 2014

By: s/ Brian W. Song  
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and the estate of Bernard L. Madoff*